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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,358	01/09/2004	Hideaki Takahashi	102106.02	6390
25944	7590	09/23/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TO, TOAN C	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,358

Applicant(s)

TAKAHASHI, HIDEAKI

Examiner

Toan C To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-09-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-5 recited "an interior member" which is inconsistent with "a trim member" as recited in independent claim 2.

With respect to claim 5, recitation "a hinge portion of said metal plate is offset.... than a fixing portion of the metal plate and a hinge portion of said metal plate" renders the claim indefinite, because (1) since it appears that "the hinge portion of the airbag door portion" is located on "a side of said tear portion", therefore it is not known how "the hinge portion of the metal plate" is offset toward "a side of said tear portion rather than toward the hinge portion of said airbag door portion. (2) It is not known what "a tear portion side position" is referred to.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer (U.S. 5,082,310).

Bauer discloses a trim member for an automotive vehicle, comprising: an air bag door portion (20, 22); a tear portion (66) formed in the air bag door portion (20, 22); and a door hinge portion protecting plate (28, 30) disposed below and separate from the air bag door portion (20, 22), protruding toward a side of the tear portion (66) rather than toward a hinge portion of the air bag door portion (20, 22) and having a high break force.

With respect to claims 2-4, Bauer discloses a trim member for an automotive vehicle, comprising: an air bag door portion (20, 22); a tear portion (66) formed in the air bag door portion (20, 22) which is not visible from an outer appearance with a part of the tear portion (66) located at the center of the air bag door portion (between the portion 20 and 22); and force concentrating means (26), at least one of the force concentrating means (26) positioned below and separate from the air bag door portion (20, 22) and adjacent to a lower surface side of the air bag door portion, for pushing up at least one side of the air bag door portion (20, 22) located on either side of the part of the tear portion (66) located at the center of the air bag door portion (between the portion 20 and 22) when the bag body of the air bag is expanded, wherein the force concentrating means (26) is disposed at a lower side of said air bag door portion, and is a metal plate (see column 2, line 33) providing a narrow protrusion (58) at an upper surface of a distal end portion that abuts, when the air bag body is expanded, at least

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one side of the air bag door portion located on either side of the part of the tear portion (66) located at the center of the air bag door portion;

With respect to claim 5, as best understood by the examiner, Bauer discloses a trim member, wherein, a hinge portion (52) of the metal plate (26) is off set toward a side of said tear portion (66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
September 15, 2004